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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,198	09/19/2001	Hajime Tabata	0505-0870P	8673

2292 7590 04/20/2006

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EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/955,198

Applicant(s)

TABATA ET AL.

Examiner

Tilahun B. Gesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to applicant's amendment filed February 2, 2006, in which claims 1-20 are pending.

#### ***Claim Rejections - 35 USC § 112***

Claims 2-16,18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 2 and 20 recite that the first switch "a registration switch" and power switch are tuned on simultaneously the first group is registered. The specification as filed lacks the support of the recite subject matter.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4-5,7,9-11,13,15-16,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alterman et al (US 6,882, 856) "Alterman" in view of Tabata.

Claim 1, Alterman teaches a communication system with a group registration (each communication unit 120-122 is initially activated , it registers with controller 110, see column 3, lines 32-43) comprising:

Alterman teaches a plurality of communication devices (120-122 of figure 1).

Alterman teaches a group mode at least one communication partner in each of a plurality of groups allowing communication between a first group of communication devices (see abstract, column 3, lines 32-column 5, lines 15 and figure 2, in which communication device 122 communicating with other group 120-121).

Alterman teaches a switch by a user which a single operation of the switch by the user designates second private call ( column 5, line 16-column 6, line 11 and figure 3).

Alterman teaches second private communication or individual communication rather than second group communication as claim recites. However, Tabata , similar to applicant's invention, a vehicle or motorcycle teaches group communication (74A) and 73 B, (see column 3, lines 42-64 and figure 2). Alterman and Tabata both teaches group communication, then , it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to communicate with second group members in the Alterman invention, as taught by Tabata, in order to conserve resource by communicating with group member using same channel rather than assigning channels individually member of the group.

Claims 2, 7, Alterman teaches a communication system with a group registration (each communication unit 120-122 is initially activated , it registers with controller 110, see column 3, lines 32-43), comprising:

Alterman inherently teaches at least a power switch and a first switch operable by a user switch from group call to individual call (see figure 3, and column 5, line 16 – column 6, lines 11 , which teaches a user selects to dynamic group call and switch to individuals by interfacing the radio device).

Alterman teaches a switch by a user which a single operation of the switch by the user designates second private call ( column 5, line 16-column 6, line 11 and figure 3).

Alterman teaches second private communication or individual communication rather than second group communication as claim recites. However, Tabata , similar to applicant's invention, a vehicle or motorcycle teaches group communication (74A) and 73 B, (see column 3, liens 42-64 and figure 2). Alterman and Tabata both teaches group communication, then , it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to communicate with second group members in the Alterman invention, as taught by Tabata, in order to conserve resource by communicating with group member using same channel rather than assigning channels individually member of the group.

Claims 4-5, Alterman teaches a second switch for selecting on of a communication in the first group (column 5, line 16-column 6, line 11 and figure 3).

Claims 9-10, Alterman teaches a second switch for selecting on of a communication in the first group (column 5, line 16-column 6, line 11 and figure 3).

Claim 11, Alterman does not teach a switch additionally provided in a vehicle. However, Tabata teaches a switch additionally provided in a vehicle (see figures 10-11, in which switch 102 is mounted on a vehicle). Then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention to provide a switch on a vehicle of Alterman as taught by Tabata, in order to operate the communication device which it is hooked to a power source and charging its battery.

Claims 13,15-16,18-19 Alterman teaches a second switch for selecting on of a communication in the first group (column 5, line 16-column 6, line 11 and figure 3).

Claims 3,6,8,12,14,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alterman in view of Tabata as applied to claims 1-2,4-5,7,9-11,13,15-16, above, and further in view of Sollner et al (US 5,506,837).

Claims 3,6,8,12,14, and 17, Alterman in view of Tabata do not teach switching from full duplex communication to a different from duplex communication.

However, Sollner teaches full duplex mode between mobile stations supported by wireless or wired networks and half duplex mode for group of mobile users and adapted to switch of user in either such system, see abstract.

Then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to switch from full duplex to half duplex in the Alterman in view of Tabata devices, as taught by Sollner, in order to conserve resource by communicating with group member using same channel rather than assigning channels individually member of the group.

***Allowable Subject Matter***

Claim 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/13/06  
*Tilahun Geesse*  
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PRIMARY EXAMINER